



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 26, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 007-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 7, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Community Services Division Manager
Bill Holmstrom, DLCD Transportation Planner
Cindy Hahn, City of Tualatin

<paa> ya

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
DEPT OF
FEB 19 2008
LAND CONSERVATION
AND DEVELOPMENT
TAMP
For DLCD Use Only

Jurisdiction: City of Tualatin Local file number: PTA-07-06

Date of Adoption: 2/11/2008 Date Mailed: 2/15/2008

Date original Notice of Proposed Amendment was mailed to DLCD: 12/12/2007

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This Plan Text Amendment amends the Multi-family design standards in Tualatin Development Code (TDC) 73.130 and 73.190 for lands designated General Commercial (CG) within the Mixed Use Commercial Overlay District (MUCOD) (generally located at SW Bridgeport Road at SW 72nd Avenue and SW Lower Boones Ferry Road).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: n/a Acres Involved: _____

Specify Density: Previous: n/a New: _____

Applicable Statewide Planning Goals: none

Was and Exception Adopted? YES NO

DLCD File No.: 007-07 (16586)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Oregon Department of Transportation, City of Durham

Local Contact: **Cindy Hahn, AICP, Ast.Pln.** Phone: **(503) 691-3029** Extension: _____

Address: **18880 SW Martinazzi Avenue** City: **Tualatin**

Zip Code + 4: **97062-7092** Email Address: **chahn@ci.tualatin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NUMBER 1252-08

AN ORDINANCE RELATED TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD); AMENDING TDC 73.130 AND 73.190 (PTA-07-06).

WHEREAS upon the application of Trammel Crow Residential (TCR) Pacific NW Acquisitions LP, a public hearing was held before the City Council of the City of Tualatin on January 28, 2008, related to amending the multi-family design standards for lands within the Mixed Use Commercial Overlay District (MUCOD); amending TDC Chapter 73 – Community Design Standards Sections 73.130 and 73.190 (PTA-07-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on January 10, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on January 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of 5-0 with Mayor Ogden and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 73.130 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District, **or within the Mixed Use Commercial Overlay District in which case the Architectural Review process shall determine the appropriate outdoor area**, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District **or the Mixed Use Commercial Overlay District** such outdoor areas may be less than 48 square feet.

(2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.

(b) Within the Central Design District, **or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process**, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

(3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and designed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the

kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and

(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

(c) These standards shall not apply to townhouses or within the Central Design District **or within the Mixed Use Commercial Overlay District. Within the Mixed Use Commercial Overlay District the amount of shared outdoor areas and children's play areas shall be consistent with the intent of the Mixed Use Commercial Overlay District and shall be appropriate for the design and scale of residential use proposed as determined through the Architectural Review process.**

(4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas.

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

(5) Service, Delivery and Screening

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(6) Accessways

(a) Accessways shall be constructed, owned and maintained by the property owner.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

- (i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
 - (ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;
 - (iii) adjoining undeveloped residential or commercial property; and
 - (iv) adjoining developed sites where an accessway is planned or provided.
- (c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.
- (d) Accessways for multi-family development shall:
- (i) be a minimum of 8 feet in width;
 - (ii) be constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;
 - (iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and
 - (iv) have curb ramps wherever the accessway crosses a curb.
- (e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.
- (7) Walkways
- (a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.
 - (b) Curb ramps shall be provided wherever a walkway crosses a curb.
- (8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

Section 2. TDC 73.190 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.190 Standards.

The following standards are minimum requirements for multi-family and townhouse development.

(1) Storage

(a) Except as provided in Subsection (1)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

- (i) 24 square feet for studio and one bedroom units;
- (ii) 36 square feet for two bedroom units; and
- (iii) 48 square feet for greater than two bedroom units.

(b) For townhouses and residential and mixed use residential developments in the Central Design District, **or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process**, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

(2) Carports and Garages

(a) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(b) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, Oregon

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM

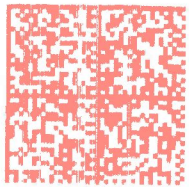


CITY ATTORNEY



City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Ste. 150
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